

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL ACTION NO. 5:22-cv-00171**

MOUNTAINEER MOTORS OF LENOIR,  
LLC, D/B/A, CAR GUYS MOUNTAINEER  
MOTORS, INDIVIDUALLY AND ON  
BEHALF OF THOSE SIMILARLY  
SITUATED,

Plaintiffs,

vs.

CARVANA GROUP LLC.;  
CARVANA, LLC;  
CARVANA CARS, LLC;  
CARVANA FAC LLC;  
CARVANA LOGISTICS LLC;  
CARVANA CO., LLC;  
ERNEST GARCIA II;  
ERNEST GARCIA III; and  
DOES 1 THROUGH 10,

Defendants.

**DEFENDANT CARVANA'S NOTICE OF  
WITHDRAWAL OF ITS MOTION TO  
ENFORCE AGREEMENT AND  
ALTERNATIVE MOTION FOR  
ATTORNEYS' FEES**

Honorable Kenneth D. Bell and  
David C. Keesler

Defendants Carvana Group, LLC, Carvana, LLC, Carvana Cars, LLC, Carvana FAC, LLC, Carvana Logistics, LLC, and Carvana Co. (collectively, "Carvana") by and through counsel, hereby withdraw their Motion to Enforce Agreement and Alternative Motion for Attorneys' Fees (Dkt. 54) and Memorandum of Law in support of the same (Dkt. 55).

RESPECTFULLY SUBMITTED this 16<sup>th</sup> day of November, 2023.

/s/ Gregory T. Saetrum  
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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 16, 2023 a copy of the foregoing was filed electronically via CM/ECF with the United States District Court, Western District of North Carolina, with notification being sent electronically to all counsel of record.

/s/ Gregory T. Saetrum

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